

## The Special Education Process Changes In IDEA 2004

- Definitions
  - Evaluation/reevaluation/IEE
  - IEP excusals, IEP content, and IEP Amendments
  - Procedures for in-state and out-of-state transfers
  - Parentally-placed children with disabilities in private schools
- Resources and handouts for this presentation can be found at the following website <http://dese.mo.gov/divspeced/>. Questions can be submitted to the following mailbox [webreplyspe@dese.mo.gov](mailto:webreplyspe@dese.mo.gov) or by calling the Division of Special Education at 573-751-0699.

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## Other health impairment (CFR 300.8)

- Other health impairment means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment that is due to chronic or acute health problems such as
- asthma,
  - attention deficit disorder or attention deficit hyperactivity disorder,
  - diabetes,
  - epilepsy,
  - a heart condition,
  - hemophilia,
  - lead poisoning,
  - leukemia,
  - nephritis,
  - rheumatic fever,
  - sickle cell anemia, and
  - **Tourette syndrome;**
- and adversely affects a child's educational performance.

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## Related Services (CFR 300.34)

- Related services refers to transportation and such developmental, corrective, and other supportive services as are required to assist a child with disability to benefit from special education
- Related services do not include a medical device that is surgically implanted (e.g., cochlear implant) , the optimization of that device's functioning (e.g., mapping), maintenance of that device, or the replacement of that device.

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## Related Services (cont.)

### ■ Does not limit

- right of child to other related services
- responsibility of public agency to monitor and maintain certain medical devices
  - Breathing devices
  - Nutrition devices
  - Device for operation of other bodily functions
- responsibility for routine checking of external components of surgically implanted devices

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## Highly Qualified Teachers (HQT)

### ■ Terms

- HOUSSE (High Objective Uniform State Standard of Evaluation)
- Core Academic Subjects
  - English, reading or language arts
  - Mathematics
  - science
  - foreign languages
  - the arts
  - social studies

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## Highly Qualified Teachers

- In Missouri, for purposes of determining HQ, teachers are classified as either
  - Elementary (K-8), or
  - Secondary (9-12)
- To be “Highly Qualified” must have
  - Bachelor’s degree
  - Appropriate Certification
  - Documentation of Content Expertise
    - Praxis/CBASE or HOUSSE (High Objective Uniform State Standard of Evaluation)

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## HQT--Scenarios

- Appropriately certificated Special Education teacher **at any level** who is not teaching a core academic subject [not responsible for teaching the subject, does not give a grade, is not the "teacher of record"]
- Appropriately certificated Special Education teacher at elementary level—teaching core subject
  - Teacher has all appropriate certification (special education & elementary)
  - Special Education certification after 1988 (CBASE/Praxis)
  - Special Education certification before 1988 (HOSSE or pass elementary Praxis)
- Special Education teacher at secondary level—teaching core subject
  - Special Education Teacher giving instruction to students working on alternate achievement standards must meet elementary requirements
    - Certificated before 1988 (Have elementary certification, HOSSE or pass elementary Praxis)
    - Certificated after 1988 (HQT based on CBASE/Praxis)

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## HQT--Scenarios

- **Secondary level—Not Highly Qualified**
  - Teacher with only special education certification who is teaching core academic subject(s) (for which they have no certification) where grades are being awarded as credits toward graduation

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## Highly Qualified Teachers

- What can a district do to ensure that children with disabilities, especially at the High School level, have Highly Qualified teachers?
  - Consider the Provision of Accommodations/Modifications/Supplementary Aids and Services to allow students with disabilities to remain in the regular education class with HQT
  - Consider alternative instructional formats (co-teaching, CWC), however...
  - Be sure that all staff are adequately trained and supported in whatever model is being used before and after implementation

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## Response to Intervention (RtI)/ Early Intervening Services (EIS)

- Early Intervening Services (EIS) vs Early Intervention (EI)
- EI
  - Services to infants and toddlers with disabilities, ages birth to 3
  - First Steps Program
- EIS
  - Instruction for non-disabled children in grades K-12 with an emphasis at grades K-3
  - 15% of Part B federal funds
  - Children with IEPs do not qualify

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## Evaluation

- Timeline
  - 60 days
- Exceptions to the Timeframes
  - If parent repeatedly fails or refuses to produce child for the evaluation
  - Child transfers to another district during an evaluation
  - Extended school breaks that occur during the evaluation period
  - Extended student illness during the evaluation period
- All exceptions to the timelines must be documented in the student's record

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## Reevaluation

- May not be conducted more than once a year\*
  - \*Unless parent and public agency agree otherwise
- Must be conducted at least once every 3 years\*\*\*
  - \*\*\*Unless parent and public agency agree reevaluation is not necessary.

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## Reevaluation –when not required Summary of Performance--required

- Reevaluation not required when student with a disability
  - graduates high school with a regular diploma
  - Exits the system at age 21
- Summary of Performance required for a student with a disability when
  - graduates high school with a regular diploma
  - Exits the system at age 21

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## Independent Educational Evaluation (IEE)

- Parent entitled to only one IEE at public expense for each evaluation agency conducts with which the parent disagrees.
- Any party may present results of IEE in a Due Process Hearing
- Agency must consider results of privately funded evaluation, if it meets agency criteria
- Parent not required to share results of privately funded evaluation with public agency, but not considered IEE

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## IEP Meetings Excusals

- Attendance at the meeting is not required because the member's area of the curriculum or related services is not being modified or discussed in the meeting.
  - Parent and public agency must **agree** in writing to excuse the team member(s) from the meeting
- Attendance at the meeting is excused even though the meeting involves a modification or discussion of the team member's area of curriculum or related services.
  - Written **consent** is required from the parent

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## IEP Meetings Amendments

- Conditions
  - Initial IEP meeting and Annual review meetings must be held. Amendments may only be made in the interim.
- Amendments made either by
  - Holding an IEP meeting, OR
  - Parent and public agency may agree not to convene IEP meeting to amend child's IEP
- Copy of the IEP with the amendments incorporated provided at parent request
- IEP team informed of any amendments

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## IEP Content

- The statement of present levels must describe the child's present levels of academic achievement and functional performance.

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## IEP Content

- Short-term objectives and benchmarks are required only for children with disabilities who take alternate assessment aligned to alternate achievement standards (MAP-A).

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## NIMAS/NIMAC

- National Instructional Materials Accessibility Standard (NIMAS)
- <http://nimas.cast.org/>
- National Instructional Materials Access Center (NIMAC)
- <http://nimac.us/>

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## In-State Transfer Students

- Student with known or suspected disability enrolls from another Missouri district
- Implement the IEP
  - IEP in hand or interviews with parent, student, previous district officials to determine IEP content
  - Comparable services=similar or equivalent
- Accept or reject eligibility determination
  - If reject—initiate reevaluation

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## Out- of- State Transfers

- Student with known or suspected disability enrolls from another State
- IEP in Hand
  - Comparable services=similar or equivalent
  - Initiate evaluation, if determined necessary
  - Develop, adopt, implement new IEP, if appropriate
- Without IEP
  - Place in regular education until evaluation conducted and IEP developed, adopted
- Evaluation is initial evaluation

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## Transfers Other Considerations

- Summer Transfers
- Transferring the Child's Records

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## Parentally-Placed Children

- Responsibility for child find, identification and provision of services has changed from district of residence to district in which private school is located
- Statute and regulations identify requirements for consultation with representatives of private schools
- Information and sample forms available on website at <http://dese.mo.gov/divspeced/>

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## Conclusion

- Special Education Process and IDEA changes
- Questions can be submitted to the following mailbox [webreplies@dese.mo.gov](mailto:webreplies@dese.mo.gov) or by calling the Division of Special Education at 573-751-0699.

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